



St Mary & St Joseph's Catholic Primary School

Attendance Policy

January 2018

1. Aims

This Attendance Policy and Guidance aims to ensure that St Mary & St Joseph's and the local authority work together to promote the highest levels of regular attendance and thereby help our children to achieve their full potential.

2. Principles

- School attendance is a high priority. Dorset County Council will work with all partners to promote and support good attendance.
- All children and young people have a fundamental right to education in order to achieve their maximum potential.
- Good attendance is secured when there is a strong culture of partnership between the Local Authority, School Governors, Headteachers, parents and other partners each with clearly expressed and understood roles and responsibilities. Parents/carers should be fully involved as key partners in securing regular school attendance.
- Early identification, communication and action on attendance problems are critical in achieving successful outcomes.

3. Statutory Framework

Section 7 Education Act 1996

It is the duty of the parent of every child of compulsory school age* to cause him or her to receive efficient full time education suitable:-

- To his/her age, ability and aptitude, and
- To any special educational needs he/she may have, either by regular attendance at school or otherwise
- The Supreme Court ruling on 6th April 2017 stated that 'regular' means 'in accordance with the rules prescribed by the school'

**Compulsory school age begins at the start of the term following the child's 5th birthday and ends on the last Friday in June of the school year when they reach 16. From September 2015 all 16 year olds will be required to continue in education or training until their 18th birthday.*

4. Roles and Responsibilities

4.1 Local Authority

Dorset County Council will provide clear, consistent and timely support to schools by the appropriate use of legal action as set out in the statutory guidance. It is essential that good working relationships between the Local Authority and schools are established. Dorset County Council will have in place processes that are fair, consistent and rigorously applied with an appropriate and effective combination of support and sanctions for those parents who need it.

4.2 Schools

Schools are expected to provide a statement on the importance of good attendance on the school website along with regular reminders and information to parents and students. Schools will have clear and detailed practices for keeping registers and effective working procedures on attendance. It is expected that a school attendance policy has guidance on good practice; including procedures for swift follow up action on non-attendance and effective methods of communication between school and home. The attendance policy will be reviewed annually.

4.3 The School Attendance Service

The School Attendance Service aims to:-

- Establish consistent county-wide legal advice and action on school attendance
- Offer advice, support and guidance to schools on whole school approaches to attendance
- Provide advice and support to school staff on school specific issues and individual cases
- Seek and share good attendance practice

5. Parent / Carer and Local Authority duties for children of compulsory school age

5.1 Parental responsibilities

Parents/carers are legally required to secure full-time education for children of compulsory school age. The education provision must be suitable to the child's age, aptitude and ability, and to any special needs the child has. This can be by regular attendance at school, alternative provision, or otherwise (e.g. elective home education). A child who is registered at school must attend regularly and punctually.

5.2 Duties of the Local Authority (LA)

The local authority has statutory powers to bring legal action against parents/carers who:

- Fail to ensure regular attendance at school of a registered pupil
- Fail to ensure their child is receiving a suitable education - either by regular attendance at school or at a place where alternative provision is provided for them.

The local authority has a duty under Section 437 of the Education Act 1996 to serve a notice or a school attendance order to the parent/carer.

5.3 Relevant legislation

Only local authorities can prosecute parents/carers.*

*In education law, and for the purposes of this document, the definition of a parent is as described in The Education Act 1996, Section 576. A parent means:

- All natural parents, whether they are married or not
- Any person who has parental responsibility for a child or young person, or
- Any person who has care of a child or young person i.e. lives with and looks after the child.

The local authority and school will need to decide who comes within the definition of parent/carer in respect of a particular pupil when using the legal measures, but generally parents/carers include all those with day-to-day responsibility for a child.

For full details of the statutory guidance relating to school attendance and parental responsibility refer to:-

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401467/parental_responsibility_measures_for_school_attendance_and_behaviour.pdf.pdf

[This guidance contains details of the legal sanctions available to the local authority. Dorset's Penalty Notice Protocol is attached at Appendix A.](#)

6. Attendance Guidance

6.1 Registers

Attendance registers are marked at the beginning of each morning and afternoon at St Mary & St Joseph's. As part of Safeguarding procedures, attendance is monitored daily with phone calls to understand unreported absences.

6.2 Recording absences

Parents are required to offer a reason for any period of absence, preferably on the first day of absence or on the first day of absence and each day thereafter until their child is fit to return to school. Parents must ensure that the absence is covered in writing either by e-mail to office@stmaryjosephswool.dorset.sch.uk or by a note sent in on the child's return to school. The school will then decide if the absence will be

recorded as authorised or unauthorised based on guidance set out in the Education (Pupil Registration) Regulations.

6.3 Authorised absence

Only the school can authorise a pupil's absence. An absence must not automatically be recorded as authorised simply because it is covered by a note from the pupil's parent/carer.

If a pupil is absent, the absence must only be recorded as authorised if:

- the pupil has been granted leave of absence, i.e. the absence has been approved beforehand by the school, or
- the pupil is unable to attend because of sickness or some other unavoidable cause, or on a day that the pupil's parents/carers' religion sets aside for religious activities.

When appropriate, an absence initially recorded as authorised may subsequently be amended to unauthorised. In such circumstances all relevant details relating to the amendment must be recorded.

6.2 Unauthorised absence

If the reason for a pupil's absence has not been established at the time the register is taken, the absence must be recorded as unauthorised.

6.3 Lateness

Registers are marked at 8.55am. Pupils who are not present at the start of the school day will be marked absent initially. Arrival at school by 9.15am this will be changed to 'present but late'. Lateness of any pupil arriving after this time will require either a letter or a verbal explanation to a member of the office staff. All reasons for lateness will be recorded. Although the headteacher will use their discretion, lateness after 9.15am is likely to be marked as unauthorised absence.

If a pupil is frequently arriving after the attendance register has closed, the parent/carer is committing an offence by failing to ensure that the child is receiving full-time education and the parent/carer may therefore be issued with a Penalty Notice or prosecuted under the Education Act 1996, Section 444.

7.1 The role of school staff is to:

- promote a welcoming atmosphere which makes all pupils feel safe and valued.
- encourage and promote good relationships between themselves and parents/carers.
- include parents/carers in meetings about their child's attendance and involve them in any initiatives introduced by the school to promote attendance.

- ensure that pupils can access learning lost through periods of absence or irregular punctuality, and that absence data is used to identify pupils with potential gaps in learning or progress.
- ensure that all pupils, including those pupils with special educational needs, traveller pupils, pupils who speak English as an additional language, or pupils eligible for free school meals, receive suitable teaching that is monitored and adjusted as appropriate.
- set short and long-term attendance targets for individual pupils and groups of pupils

7.2 The role of governors is to:

- ensure that they receive regular attendance reports from the head teacher.
- ensure they set challenging targets for attendance and punctuality, and have a named governor with lead responsibility for attendance.
- ensure the inclusion of a governor as a member of a school attendance panel which deals with the poor attendance of individual pupils.

Appendix A

Dorset County Council Children's Services Penalty Notice Protocol

1. Legal Basis:

Sections 444A and 444B of the Education Act 1996 empower designated Local Authority (LA) Officers, Head Teachers (& Deputy and Assistant Head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school. The Education (Penalty Notices) (England) Regulations 2007 require the Local Authority, in consultation with all of the above, to develop a code of conduct which must be followed when issuing Penalty Notices. The issuing of Penalty Notices must conform with all requirements of the Human Rights Act 1988 and all Equal Opportunities legislation. These provisions apply to all persons who fall within the definition of a 'parent' as set out in section 576 of the Education Act 1996. By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989); any person who, although not a natural parent, has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent in Education Law.

2. Rationale for Issuing Penalty Notices:

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. Children's Services will continue to investigate cases of non-attendance from school and, following appropriate casework, instigate legal action if applicable. In law, an offence occurs if a parent/carer fails to secure a child's attendance at the school at which they are a registered pupil and that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under section 444 Education Act 1996 or section 36 Children Act 1989 to enforce attendance at school where appropriate. Children's Services delivers this LA responsibility.

3. Circumstances where a Penalty Notice may be used:

Penalty Notices can only be issued in cases where a pupil of compulsory school age has been absent and the absence has not been authorised by the school or where the pupil has persistently arrived late after the register has closed. The level of absence that is necessary before a Penalty Notice can be issued is 10 or more half days of unauthorised absence within a 12 school week period. The key consideration in deciding whether to issue a Penalty Notice will be whether it can be effective in helping to get the pupil who is missing education back into school. A Penalty Notice is a suitable intervention in circumstances of parentally condoned truancy; where the parent is considered capable of securing their child's regular attendance but is not willing to take responsibility for doing so.

To ensure consistent and fair delivery of Penalty Notices, the following criteria for their use shall apply:-

- No one parent will receive more than three separate Penalty Notices resulting from the unauthorised absence of an individual child in any twelve month period.
- However, where families contain more than one poorly attending pupil, multiple issues may occur.

4. Procedure for issuing Penalty Notices:

The School Attendance Service (as part of Children's Services) will issue Penalty Notices for all Dorset Schools. Penalty Notices will only be issued by first class post and never as an on the spot action; this is to satisfy that all evidential requirements are in place and to meet health and safety requirements.

Children's Services will receive requests from schools, Dorset Police and neighbouring Local Authorities. Requests from Schools will be sent to the School Attendance Service following discussion with a member of the team. A Penalty Notice may be issued providing it does not conflict with other intervention strategies in place or other enforcement sanctions already being processed. Children's Services will respond to all requests within 10 school days of receipt and where all criteria are met, will:

In cases of unauthorised absence

- Issue a formal warning to the parent/carer of the possibility of a Penalty Notice being used.
- In the same letter set a period of 15 school days within which the pupil must have no unauthorised absence.
- Issue a Penalty Notice through the post at the end of the 15 day period if the required level of improvement has not been achieved.

Unauthorised Leave during Term time

In accordance with The Education (Pupil Registration) (England) Regulations 2006, as amended, a Penalty Notice can be issued in certain circumstances, for example where a parent takes a child on holiday during term time without the school authorising the absence. In such circumstances, although a minimum of 10 half day sessions of unauthorised absence will still apply before a Penalty Notice may be issued; the authorised person may issue a Penalty Notice without first issuing a formal warning to the parent as would otherwise be required. However s/he should still be satisfied that the parent was informed beforehand that, in some circumstances e.g. term time holiday, unauthorised absence could lead to a Penalty Notice being issued without further warning.

Who can receive a Penalty Notice?

Any Penalty Notice issued must be addressed to one parent but a Penalty Notice may be issued to each parent liable for the offence or offences.

An authorised person has discretion when deciding whether to issue one or more parents of a child with a Penalty Notice. This is to enable account to be taken of the specific circumstances in individual cases.

5. Roles and Responsibilities of the Local Authority

Local Authorities (LAs) may, in the absence of any other agreement, only issue Penalty Notices in respect of pupils registered at a school in that LA area or, in the case of an unregistered pupil, who resides in their area or for whom that LA has arranged alternative provision. LAs may only issue Penalty Notices in respect of pupils registered at a school in another LA area or, in the case of an unregistered pupil, for which another LA has arranged alternative provision if they have an agreement to that effect with the other LA.

6. Procedure for withdrawing Penalty Notices:

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person.
- The use of the Penalty Notice did not conform to the terms of this Protocol.
- The Penalty Notice contains a material error.
- The Local Authority (LA) must withdraw the Penalty Notice if it is not paid in full and the LA has not, and does not intend to, instigate legal proceedings.

7. Payment of Penalty Notices:

Arrangements for payment will be detailed in the Penalty Notice.

- Payment of Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered in the Penalty Notice.
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120.

8. Non-payment of Penalty Notices:

Non-payment of a Penalty Notice will trigger the prosecution process.

- Prosecution is for the offence to which the notice relates rather than for non-payment of the notice.
- In the case of unauthorised absence, if there is a prosecution, it will follow the usual procedure of a prosecution for irregular attendance (including considering an Education Supervision Order as an alternative, or in addition, to prosecution) under the provisions of section 444(1) or 444(1a) The Education Act 1996.

9. Penalty Notices and Excluded Pupils

- Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period or permanent exclusion.
- Section 105 allows for a Penalty Notice to be given to a parent guilty of an offence under Section 103. The Penalty Notice allows a parent to pay a penalty as a way of discharging any liability for the offence of failing to ensure that their child is not present in a public place on the days specified in a notice given to them. The parent must have been notified by the school at the time of the exclusion of their duty and the days to which it relates.

10. Procedure for Issuing of Penalty Notices in Cases of Exclusion

- When a child is excluded from school – either for a fixed period or permanently – and the child is found in a public place during normal school hours on a specified day of exclusion, a Penalty Notice will be issued.
- In order for the parent to incur a Penalty Notice the school must give them notice informing them of the duty to ensure their child is not found in a public place; the days when this duty will apply and, as appropriate, of the arrangements for alternative provision.
- If the child has been provided with alternative provision and is not attending this provision then the parent will be liable under the unauthorised absence regulations.

Non Payment of Penalty Notices – Exclusions

- In the case of a prosecution of a parent who has failed to ensure their child is not found in a public place during a specified day of exclusion, the procedures, such as preparing and serving a summons, will be similar to those for unauthorised absence.